G. R. S. 58]

Previous references.

CS- 201-11 (1-4) 7.

File No. 346-12

1912. 13

Serial Nos. 1-3

(CS)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 3.

Part B for Oct 13

SUBJECT.

Rules under the Mysore Small Cause Courts Regulation VIII of 1911.

---

1. To the Regr Chf Ct ∫ 11 dy 1/7/13.
Forwards a set of draft rules framed under the above Regn & invites the opinion.

2. From the Regr Chf Ct 439 dy 23/24/7/13.
States that in the opinion of the Chief Judge & Mr Justice Chandrasekhara Aiyar the rules seems to be all right and that Mr Justice Wallace made some suggestions.

3. To the Regr Chf Ct ∫ 1201 dy 18/10/13.
Forwards for ~~further action~~ a copy of the Rules as approved by Govt.

GPB—5,000—22-10-13

No C.28
6.8.13.

G.R.S. 11] 1912-13

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 3460 of 1912-13

FILE HEADING.

Rules under the Mysore Small Cause Courts Regulation VIII of 1911.

From

No. Dated Received

Diary No. Enclos. Spare Copies. Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—30,000—12-8-11

2

J. Mis 189-12 (a)

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The D.O. letter calling for opinion was sent about a year ago. Please send a reminder & ask for a reply -

17/5/13

Subs.

2 A reply to the D.O. letter referred to above was read so far back as June 1912- (vide 83 in the collection putup). The matter was not pursued further as the Dewan ordered the file to be kept till called for.

Kq. - 129 SN
19/5/1913 21/5/13

Dy Sec'y SR 21/5

Cancelled

Dairy 21/5 SR

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

3 I see I was mistaken.

GPB—25,000—11-11-11

4 Please submit to the Dewan

3

G.R.S. 13] 9. Mis 189-12 (a).

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

The matter has been delayed too long already & the Rules should be issued without any further delay.

23/5/13

28/5 Draw 26/5 SPR 26/5

A copy of the proposed Small Cause Courts Regulation is putting. 5 Submitted to the Dewan for orders

28/5/13

3284 29.5.13

SPR 28/5

6 The Rules as revised by the 1st Councillor may be sent to the Chief Court & their opinion & final recommendations obtained. On receipt of their reply, please bring up at a meeting of Council.

24.6.13.

25/6 Draw 26/6 Draft accepted

SPR 27/6

P.T.O

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—25,000—23-7-12

G. R S. 12]

General and Revenue Secretariat, | 615 File No. 346 of 1912-13

Serial No.

Subd
May the revised rules, on pages 20 to 22 of the collection, not be typed in half margin?
Yes
28/6

8 Draft subd.
Reg.-129 SW
28/6/13

9 Issue Sd
28/6

1 To The Registrar, Chief Court
No J11 Dy 1.7.1913
Forwards a set of draft rules framed under the Mysore Small Cause Courts Regn and invites the opinion and final recommendation of the Chief Court thereon.

2 From the Same Officer
No C 439/19 Dy 23/24.7.13
States that in the opinion of the Chief Judge and Mr Justice Chamarasekhara Aiyar the rules seem to be all right and that they may be tried and mentions certain suggestions made by Mr Justice Wallace.
Submitted.
Reg.-129 SW
26-7-13

10) The three suggestions of Mr Justice Wallace may perhaps be accepted. This has to be dealt with at a Sd Council Meeting (vide Dewan's order dt 24.6.13) 29/7
Drawn & Rules 29/7 5-

11) This will of course be circulated for Conveniences & Comments as a matter of ordered by the Dewan

12 1st Convenience.

Accepted the Mysore Small Cause Courts Regn 5 prints.

Parcels office note

NOTE—Contn. sheet.

GPB—65,000—17-5-12.

14 297 5

G.-R. S. 12]

General and Revenue Secretariat. | File No. 346 of 1912.

Serial No.	
12	Two of Mr. Justice Wallace's suggestions may be accepted I am against the third. 3/8/13
13	2nd Council 7/8
14	I am for adopting all the three suggestions made by Mr. Justice Wallace 5/8
15	C. Secy Note for meeting 5/8 5/8

A copy to Small Causes Rep: is put up.

Withdrawal Section

NOTE—Contn. sheet.

GPB—65,000—17-5-12.

[G. R. S. 12]

General and Revenue Secretariat. | File No. of 191

Serial No. 16

Brought up at a meeting of the Council held on the 9th August 1913, but was not taken up for want of time.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

GPB—1,000—19-7-13

7

Extract from the Proceedings of the 303rd Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 20th August 1913.

17 IV. Subject.-(Clause ii of the Schedule).

Revised draft rules under section 8 of the Mysore Small Cause Courts Regulation, with the opinion of the Chief Court thereon.

18 Opinion of the Council.

The draft rules as revised may be adopted.

Sd/- M. Visvesvaraya.

Dewan of Mysore.

19 "Extract"

Secretary to Government.

7. R. S. 12]

General and Revenue Secretariat. | File No. of 191

Serial No.	
	20 Submitted with Enclosures for Council Proceedings. WS 28/8
21	1st Counsellor Final note of the 1st Councillor is herewith put up and subd. MS 29.13.
5051 2.9.13	22 Decan WS 29

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

9

Submitted to His Highness.

I submit herewith the Final Note by the First Councillor regarding the rules framed under Section 8 of the Small Cause Courts Regulation about the constitution of Composite Courts.

The rules as revised and passed in Council may kindly be approved.

A. Vishwanath
9th Sept 1913

10
H

Final Note by the First Councillor.

Subject:— Rules under the Mysore Small Cause Courts Regulation.

Section 8 of the Small Cause Courts Regulation requires that the Chief Court shall frame certain rules regarding the constitution of composite courts, in which the decision of cases shall be by the Judge assisted by other members selected for the purpose. The rules are subject to the approval of Government.

A draft of the rules was first sent up by the Chief Court in February 1912; but as they appeared not to be quite suitable, a modified set of rules ~~were~~ framed and sent back for opinion or adoption. The Chief Court did not accept the modification made. A second draft was prepared here meeting the views of the Chief Court by me on 28th June 1912, but the matter was laid by for some time. The new draft was sent to the Chief Court with a D.O. on 1st July 1913. The latter draft has been accepted by the Chief Court Judges. Three amendments were proposed by Mr. Justice Wallace in rules 1, 5 (now renumbered as 6) and rule 7(8)1. The first two have been adopted but ~~as~~ the 3rd, which requires payment to be made to those jurors who are selected among persons present in court, has been rejected owing to the additional expenses it would involve to parties - an expense which would be disproportionately large in petty small -- causes.

These rules, as ultimately revised and agreed to in Council, may be approved.

1 Sept 13

H. Manjunathaiya

Revised Rules.

On the day fixed for hearing, after the pleas of the defendant have been recorded, either party may apply for the hearing of the suit by a composite court. No such application shall be entertained at any subsequent stage of the suit.

2. Among the persons present in the court, six persons shall be selected by the Judge and out of them three names shall be selected by lot; and these together with the Judge shall form the composite court.

3. No person shall be a juror who is a near relation of either party to the suit, or who has been convicted of any offence involving moral turpitude in a criminal court, or who has any interest in the subject matter of the suit, or whom the court considers not to be of a sufficiently respectable position in life.

4. If it is not practicable to get a sufficient number of persons in the manner aforesaid, the case may be adjourned to a future-day for which not less than six persons shall be summoned from the list of the jurors and Assessors, prepared under Section 321 of the Code of Criminal Procedure. Fifteen days at least before the date fixed for the trial of the suit, the Judge shall cause not less than six persons named in the list to be

summoned to attend the court at a time and place to be mentioned in the summons. Provided always that no person shall be summoned or compelled to serve on the Jury more than twice within one year, or if he has been summoned and has attended as a Juror or Assessor at any criminal court within six months next before the delivery of such summons.

5. The Jurors shall be chosen by lot from the persons summoned to act as such.

6. As each Juror is chosen under rules 2 or rule 5, his name shall be called aloud and upon his appearance either party to the suit may take objection to his acting as a Juror.

7. (1) Every objection taken to a Juror shall be decided by the court and such decision shall be recorded and be final.

(2) Where the objection is allowed the place of such Juror shall be supplied by any other Juror attending in obedience to a summons or if there is no such other Juror present, then by any other person present in the Court whose name is on the list of Jurors or whom the Court considers a proper person to serve on the Jury.

Provided that no objection to such Juror or other person is taken and allowed.

8. Where it is necessary to summon a Jury the party at whose instance a composite Court is allowed, shall deposit in Court the sum of fifteen rupees for payment to the Jury and such sum or so much thereof as the Judge directs shall be paid to the Jurors as remuneration for the services rendered by them and shall be considered as costs in the suit unless the Court otherwise directs.

17/9

#514

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Rules under the Mysore Small Cause Courts Regulation.

Order.

No. 267

Approved
~~KRW~~
18/9/13

Secretary

20-9-13.

RG

Well
23/9

D III

ZB
NB

26/9

Draft
SIOL
21/9

Legislative
Courts

R. S. 12]

General and Revenue Secretariat. | C5 File No. 346 of 1913-14

Serial No.

Under Sec "84 the Mysore Small Cause Courts Regulation", the rules have to be framed by the Chief Court and the previous sanction of Govt obtained thereto.

A draft forwarding a copy of the rules as approved by Govt is subd for orders. It is the Chief Court that has to publish the rules & take further action in the matter.

Rg. - 116
30/9/13
2.10.

Dr (Ler) 1st Councillor)

Draft appd: by 1st Councillor
MSS

3/10
Draft g[illegible]

4/10 1st Councillor
5.10.13.

6/10

7/10

To Registrar Chief Court
Rs. 7 1201, Dt. 18-10-13.

3 forwards, for further action a copy of the rules as approved by Govt.

24/11/13

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

G.R.S. 26]

65 File No. 3464/1912

Serial No. 1

*Diary No. of letter replied to*_____

No. J 11

Enc 1

General and Revenue Secretariat

( )

, *the* 19 .

To

The Registrar,

Chief Court

Date of issue 1.7.13

Signed by M S P Rajagopala Chari.

Sir,

I am directed to invite your attention to correspondence ending with your letter no. 4478/3411 of the 20th January 1912 and to forward herewith a set of revised draft rules framed under the Mysore Small Cause Courts Regulation VIII of 1911, with the request that the opinion and final recommendation of the Chief Court thereon may be obtained

P.T.O.

SUBJECT.

2

ans forwarded to Govt at a very early date.

Have te

Spl

to Secy to Govt

No. 129

28/6/13

List of enclosures,

Copied by

Examined by

GPB—20,000—25-9-10

1. On the day fixed for hearing, after the pleas of the defendant have been recorded, either party may apply for the hearing of the suit by a composite court. No such application shall be entertained at any subsequent stage of the suit.

2. Among the persons present in the court, six persons shall be selected by the Judge and out of them three names shall be selected by lot; and these together with the Judge shall form the composite court.

3. No person shall be a juror who is a near relation of either party to the suit, or who has been convicted of any offence involving moral turpitude in a criminal court or who has any interest in the subject matter of the suit, or whom the court considers not to be of a sufficiently respectable position in life.

4. If it is not practicable to get a sufficient number of persons in the manner aforesaid, the case may be adjourned to a future-day for which not less than six persons shall be summoned from the list of the

jurors

4-5

Jurors and Assessors prepared under Section 321 of the Code of Criminal Procedure Fifteen days at least before the date fixed for the trial of the suit the Judge shall cause not less than six persons named in the list to be summoned to attend the court at a time and place to be mentioned in the summons. Provided always that no person shall be summoned or compelled to serve on the Jury more than twice within one year, or if he has been summoned and has attended as a Juror or Assessor at any criminal court within six months next before the delivery of such summons.

5. The Jurors shall be chosen by lot from the persons summoned to act as such. As each Juror is chosen his name shall called aloud and upon his appearance either party to the suit may take objection to his acting as a Juror.

whether selected under Rule 2 or Rule 5 6

6. (1) Every objection taken to a Juror shall be decided by the court and such decision shall be recorded and be final.

(2)

56

(2) Where the objection is allowedthe place of such Juror shall be supplied by any other Juror attending in obedience to a summons or if there is no such other Juror present, then by any other person present in the Court whose name is on the list of Jurors or whom the Court considers a proper person to serve on the Jury.

Provided that no objection to such Juror or other person/s/ is taken and allowed.

8. Where it is necessary to summon a Jury the party at whose instance a composite Court is allowed, shall deposit in Court the sum of fifteen rupees for payment to the Jury and such sum or so much thereof as the Judge directs shall be paid to the Jurors as remuneration for the services rendered by them and shall be considered as costs in the suit unless the Court otherwise directs.

D Siwan & Co appe. with the 1st Counsel: 26/8.

63

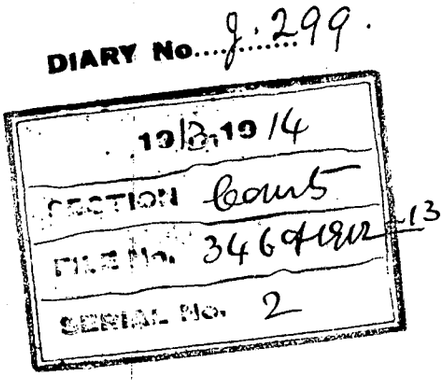
No: 439/19

Chief Court of Mysore,
Bangalore, 23rd July, 1913.

"24"

From

The Registrar of the
Chief Court of Mysore,



To

The Secretary to Government,
General and Revenue Departments.

S i r ,

With reference to your letter No. J 11 Cts 346-12-1 dated the 1st July 1913, forwarding for the opinion of the Chief Court a set of revised draft rules under section 8 of the Mysore Small Cause Courts Regulation VIII of 1911, I am directed to state that in the opinion of the Chief Judge and Mr. Justice K. S. Chandrasekhara Aiyar the rules seem all right and may be tried. Mr. Justice Wallace, however, wishes to make the following suggestions :-

(1) that to rule 1 the following may be added.

"No such application will be entertained at any subsequent stage of the suit".

(2) that the fee of Rs.15/- should be paid in all cases and that even in cases covered by rule 2 the persons selected should be paid; and

(3) that it should be made clear that the challenge permitted under

Forwarding rules under Small Cause Courts Act as approved by Govt

G. R. S. 26]

Cb File No. 346 of 1912-13
Serial No. 3

Diary No. of letter replied to 299

No. J 1201

General and Revenue Secretariat
( )
, *the* 191 .

To
The Registrar,
Chief Court

Date of issue 18 · 10 · 13

Signed by M SP Rajagopala Sii,
Chairman

Adverting to correspondence ending with your letter no. 439/19, dated the 23rd July 1913, in the matter of the draft rules framed under Sec 8 of the Myore Small Cause Courts Regulation of 1911, I am directed to forward herewith a copy of the rules as approved by Govt for further action.

Thanks
Sd/-
Supdt.
Dww 4/10

Sd/-
for Secy

SUBJECT.